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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2009 JUN 11 PM 4:54

JEANNE NICKS, CLERK

BY: S Smisko

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

CR 2008-1339

Division 6

STATE'S AMENDED MOTION TO
COMPEL AMAZON.COM TO PRODUCE
DEFENDANT'S PURCHASE HISTORY
FOR *IN CAMERA* INSPECTION, AND
ORDER.

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy, Joseph C. Butner, submits its Amended Motion to Compel Amazon.com to produce Defendant's purchase history for an *in camera* inspection.

The State's original motion regarding this issue was filed May 29, 2009. On June 1, 2009, this Court ordered Amazon.com to provide Defendant's purchase history records for an *in camera* inspection; however, the State erroneously failed to serve Amazon.com with notice of the issue in a timely manner. Therefore, the State respectfully requests that the June 1, 2009, Order be vacated and that, based upon the following facts, a new Order be issued.

On August 20, 2008, Defendant ordered three books from Amazon.com. These were: *Cover Your Tracks Without Changing Your Identity – How to Disappear Until you WANT To be Found*, *Advanced Fugitive – Running, Hiding, Surviving, and Thriving Forever*, and *How to be Invisible – The Essential Guide to Protecting Your Personal Privacy, Your Assets, and*

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1 *Your Life*. Copies of these books were found in Defendant's storage locker during the
2 execution of a search warrant. A second copy of *How to be Invisible* was discovered during
3 the execution of a separate warrant at the apartment Defendant shared with his daughter,
4 Katie DeMocker. During a preliminary search of Defendant's computer, Detective Steve
5 Page found evidence that the user had searched terms such as "how to kill someone," "how
6 to kill someone and make it look like a suicide", and "tips from a hit man on how to kill
7 someone." These facts give the State reasonable suspicion to believe Defendant used
8 multiple resources to research how best to commit the murder of Carol Kennedy without
9 getting caught and to disappear afterwards if necessary.

11 The documents in question are critical to the advancement and completion of the
12 State's on-going investigation regarding Defendant's motive, opportunity, intent, preparation,
13 plan and knowledge. Amazon.com has stated it will not comply with the subpoena because it
14 believes the release of purchase history violates a customer's 1st Amendment guarantee. As
15 an alternative to releasing the documents directly to Yavapai County Attorney's Office, the
16 State requests that this Court order Amazon.com to provide the documents for an *in camera*
17 inspection to determine if any of Defendant's past purchases are relevant to the case at bar.

19 RESPECTFULLY SUBMITTED this 11th June, 2009.

21 Sheila Sullivan Polk
22 YAVAPAI COUNTY ATTORNEY

23 By:  (For)

24 Joseph C. Butner
25 Deputy County Attorney
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COPIES of the foregoing delivered this
17th day of June, 2009 to:

Honorable Thomas J. Lindberg
Division 6
Yavapai County Superior Court

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By: Deb Cornell